

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

RANDY DONK, GUN OWNERS OF)
AMERICA, INC., and GUN OWNERS)
FOUNDATION,)

Plaintiffs,)

v.)

Civil Action No. _____

MICHELLE LUJAN GRISHAM, in her)

official capacity as the Governor of)

New Mexico, PATRICK M. ALLEN, in)

his official capacity as the Cabinet Secretary)

of the New Mexico Department of Health,)

JASON R. BOWIE, in his official capacity)

as the Cabinet Secretary of the New Mexico)

Department of Public Safety, and W. TROY)

WEISLER, in his official capacity as the)

Chief of the New Mexico State Police,)

Defendants.)

_____)

DECLARATION OF ERICH PRATT

1. My name is Erich M. Pratt. I am a U.S. citizen and resident of Virginia. I make this declaration in support of Plaintiffs' Complaint for Declaratory and Injunctive Relief. Unless otherwise stated, I make this declaration based on personal knowledge. If called as a witness, I can testify to the truth of the statements contained herein.

2. I am the Senior Vice President of Gun Owners of America, Inc. ("GOA"), and the Senior Vice President of Gun Owners Foundation ("GOF").

3. In that capacity, I oversee staff that is in daily contact with members and supporters

regarding their concerns, questions, requests, and suggestions on how GOA and GOF can best represent their interests. In the last 24 hours, many of our members and supporters have been greatly concerned about actions recently taken by the Governor of New Mexico to restrict Second Amendment rights.

4. Gun Owners of America, Inc. is a California non-stock corporation with its principal place of business at 8001 Forbes Place, Springfield, VA 22151. GOA is organized and operated as a non-profit membership organization that is exempt from federal income taxes under Section 501(c)(4) of the U.S. Internal Revenue Code. GOA was formed in 1976 to preserve and defend the Second Amendment rights of gun owners. GOA has more than 2 million members and supporters across the country, including residents of this district, many of whom are and will be irreparably harmed by the challenged Orders.

5. Gun Owners Foundation is a Virginia non-stock corporation, with its principal place of business at 8001 Forbes Place, Springfield, VA 22151. GOF is organized and operated as a non-profit legal defense and educational foundation that is exempt from federal income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code. GOF is supported by gun owners across the country, including residents of this district, many of whom are and will be irreparably harmed by the challenged Orders.

6. GOA and GOF together have more than two million members and supporters nationwide, including thousands who are New Mexico residents, including within this district and within Bernalillo County.

7. Since the Governor and the Secretary of the Department of Health published these challenged Orders, restricting the carry of firearms within New Mexico, we have received many inquiries about the legality of Defendants' actions, and whether we, as defenders of the Second

Amendment, would be able to assist the citizens of New Mexico in defending their rights.

8. Many of these individuals, our members and supporters, have been and are being irreparably harmed by the Defendants' Orders.

9. GOA and GOF exist to preserve and defend the Second Amendment rights of gun owners. GOA and GOF routinely litigate cases across the country in furtherance of their mission, on behalf of their members and supporters in various states.

10. Many of GOA and GOF's members and supporters are law-abiding residents of New Mexico, and reside in this district, and include those who both concealed carry and openly carry handguns in the normal course of their day, in both the City of Albuquerque and Bernalillo County.

11. GOA and GOF have heard from numerous individuals who carry their firearms, either openly or concealed, who will now be subject to being arrested, cited, and prosecuted for the simple act of engaging in protected constitutional behavior.

12. In other words, GOA and GOF's members and supporters are representative of those affected by these Orders which has a ubiquitous and negative effect on the firearms community in Bernalillo County and the City of Albuquerque

13. Protection of these rights and interests is germane to our mission, which is to preserve and protect the Second Amendment and the rights of Americans to keep and bear arms, including against overreach by anti-gun bureaucrats. GOA and GOF routinely litigate cases throughout the country on behalf of their members and supporters, and GOA and GOF are capable of fully and faithfully representing the interests of their members and supporters without participation by each of the individuals and entities.

14. In different ways and to varying degrees, each of our members and supporters are irreparably harmed by these Orders. Some will decide to refrain from engaging in constitutionally

protected conduct because they do not want to be subjected to being cited, arrested, or prosecuted and the attendant loss of jobs, licenses, or other harms, and some will carry their firearms publicly, notwithstanding the illegal orders, and be subjected to being cited, arrested and prosecuted.

15. If these Orders are not immediately enjoined, our members' and supporters' Second Amendment rights will be significantly curtailed.

16. I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 9, 2023


ERICH PRATT